

# Kentucky's Environment

The E-Newsletter of the Environmental Quality Commission

Sept./Oct. 2003

Volume 19, Issue 5

Page 1



[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## WATER QUALITY STANDARDS 2003: KENTUCKY'S TRIENNIAL REVIEW

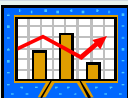


The Ky. Division of Water has proposed significant changes to the state's water quality standards and programs. Water quality standards are established to determine what uses are appropriate for Kentucky surface waters and to adopt criteria to protect those designated uses. Examples of designated uses are aquatic life, recreation, drinking water supply, agriculture and industry. The Clean Water Act requires that states review their water quality standards every three years to incorporate new scientific information, correct omissions and generally assure that designated and beneficial uses of the state's waters are protected.

The Kentucky water quality regulations propose:

- Listing 166 new waterways as exceptional waters to the existing list of 75 and by default categorizes many surface waters as high quality.
- New or expanded dischargers to exceptional waters must meet stricter discharge limits and would be subject to additional antidegradation review including alternatives analysis and socioeconomic demonstration if they do not choose to accept the more stringent limits. Some dischargers to high quality waters are restricted to half the water quality limit or to demonstrate that no technical or economical alternatives exist or that lowering water quality is necessary to accommodate important economic or social development.
- Revisions to water quality criteria for domestic water supply including 17 new limits (i.e. arsenic, methylbromide), 64 stricter limits (i.e. trichlorethylene, PCBs) and 17 relaxed limits (i.e. copper, mercury).
- Revisions to warm water aquatic habitat acute criteria including 1 new limit (arsenic) and 1 stricter limit (cadmium) and chronic criteria including 2 new limits (demeton, methoxychlor), 1 stricter limit (cadmium) and 1 relaxed limit (arsenic).
- The prohibition of mixing zones for new discharges of bioaccumulative chemicals such as chlordane and mercury and a 10 year phase out of mixing zones for existing bioaccumulative chemical discharges.

Written comments can be submitted until **Oct. 31**. To view 401 KAR 5:002, 5:026, 5:029, 5:030, 5:03 visit <http://www.water.ky.gov/dow/hrgnots.htm>. A **Summary of the Proposed Changes** can also be viewed at [www.eqc.ky.gov](http://www.eqc.ky.gov)



### EQC Indicator of the Month: Childhood Asthma

Since 1992, EQC has been reporting on the status of the environment using more than 100 indicators to track environmental conditions in the state to determine if the investments being made to protect the environment are achieving results.

The newly created EQC Environmental Indicator of the Month will spotlight important or emerging environmental issues to our Web site visitors at [www.eqc.ky.gov](http://www.eqc.ky.gov). The Oct. indicator will feature Childhood Asthma. See [page 6](#) or visit the EQC Web site at [www.eqc.ky.gov](http://www.eqc.ky.gov) to learn more about this and other important environmental issues in Kentucky.

### In this Issue:

[Public Hearing on Alexandria Wastewater Plant Scheduled Dec. 4 - Page 3](#)

[Proposed regulations focus on coal mining roads and open burning - Page 2](#)

[Grants for Runoff Pollution Projects - Page 5](#)

[EQC Urges Nontoxic Measures to Combat West Nile Virus - Page 6](#)

[EQC Nov. 19 Public Meeting will review natural gas issues - Page 7](#)

### EQC Commissioners:

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[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

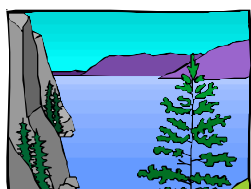
[News](#)

[EQC Activities](#)

## State News

### State Noncoal Regulations Take Effect

A new set of non-coal environmental regulations took effect Sept. 12, 2003. The regulations require a number of new measures for limestone quarries and clay, shale and sand, and gravel dredging operations. There are currently 209 permitted noncoal mining sites alone in the state, totaling 38,588 acres. Approximately 57 percent of those sites are limestone mines. The regulations require safety barriers, elimination of highwalls, replacement of damaged water supplies, pre-blasting surveys to nearby residences, public notice on blasting schedules, increased reclamation bonds and transportation plans for hauling non-coal minerals. View the regulations at <http://www.surfacemining.ky.gov/noncoalregs.htm>



### Water Data and Information Needed

The Kentucky Department for Environmental Protection Division of Water is soliciting data and information for the purpose of developing the 2004 303(d) list of impaired waters for Kentucky. Kentucky Division of Water (KDOW) staff will evaluate all submissions to determine whether the submissions are applicable and useful for identifying waterbodies that are impaired (not meeting designated uses).

Data should be limited to the period from Jan. 1, 2001, to Dec. 31, 2002. Numeric chemical, physical and biological data must be accompanied by documentation of the quality assurance methods used in collecting, analyzing and reporting the data. All data must be scientifically sound and defensible and verified by KDOW staff. The name and address of the laboratory used to perform the analysis must be provided.

Data should be provided in an electronic spreadsheet format and should include at a minimum: stream or lake name, sampling station locations, sample date, sample time, parameter value and units. Data should not be edited or adjusted, but should include the entire data set that was collected. A map showing the sampling locations should be included. Anecdotal information is not suitable but may be reported to the regional offices. A name and telephone number or e-mail address for a contact person should be included. Data and information will be accepted until Nov. 24, 2003. Submissions of data and information or questions about submittals should be directed to: Kevin Ruhl telephone (502) 564-341 e-mail at [Kevin.Ruhl@mail.state.ky.us](mailto:Kevin.Ruhl@mail.state.ky.us)

### State Fines DOE \$1 Million for Violations at Paducah Gaseous Diffusion Plant



The accelerated environmental cleanup of hazardous waste at the Paducah Gaseous Diffusion Plant (PGDP) is expected to proceed after the U.S. Department of Energy (DOE) and the state signed an agreed order with on Oct. 1. The agreed order resolves state enforcement and compliance issues from various activities at the plant and calls for DOE to pay a \$1 million penalty for Notices of Violations issued by the state for hazardous waste infractions. DOE will also spend \$200,000 for environmental improvement projects near the plant.

The cleanup of the North/South Diversion Ditch and the removal of 53,000 metric tons of scrap metal can proceed now that outstanding violations have been or are in the process of being corrected. DOE Material Storage Areas and suspected listed-waste containers will have to be characterized by the federal agency which is also required to perform an investigation into groundwater contamination at the S and T landfills.

DOE will also inform federal budget committees in writing that PGDP should now be considered eligible for additional funding of \$12 million that Congress had identified as contingent upon an agreement plan signed by the department and the Commonwealth.

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## CONFERENCE CALENDAR

**Oct. 27-28 - 27th Governor's Conference on the Environment.** Embassy Suites, Lexington. *Contact:* Boyce Wells, Ky. Dept. of Environmental Protection at (502)564-2150 ext. 137 or see <http://environment.ky.gov/nrepc/governor/2003/govprogram.htm>

**Nov. 1, 15, 22, Dec. 6, 13 - Elk Tours** - View elk in the wild in a series of guided tours sponsored by Jenny Wiley State Park in Prestonsburg. Cost is \$10 adult, \$5 children 12 and under. *For reservations, contact Ron Vanover, (606) 886-2711, ext. 2269 or e-mail [rvanover@fetel.com](mailto:rvanover@fetel.com).*

**Nov. 6 - Ky. Science Teacher Assn. Annual Conference.** Hyatt Regency, Lexington. *Contact:* (866) 267-5782 or visit <http://www.ksta.org/index.asp>

**Nov. 7-9 - Cumberland Chapter of Sierra Club Annual Meeting** - Natural Bridge State Park. *Contact:* Oscar Geraldts (859) 255-7946, e-mail [ogeraldts@lexkylaw.com](mailto:ogeraldts@lexkylaw.com) or see <http://kentucky.sierraclub.org/>

**Nov. 9 - "Spirituality and the Environment"** Robert F. Kennedy, Jr. for the 8th Annual Festival of Faiths. Louisville Memorial Auditorium Tickets \$20 and \$15. *Contact:* (502) 587.9647 or visit <http://www.cathedral-heritage.org/>

### **Residential Energy Code High Performance Homes Workshops**

Nov. 10: Bowling Green; Nov. 11: Paducah; Nov. 13: Somerset; Nov. 14: Frankfort. *Contact:* e-mail [Gregory.Guess@mail.state.ky.us](mailto:Gregory.Guess@mail.state.ky.us) or call (502) 564-7192 or (800) 282-0868.

**Erosion Protection and Sediment Control Workshops** for construction/development sites. Nov. 11 - Bowling Green, Nov. 13 - Mayfield, Dec. 3 - Madisonville, Dec. 17 - Florence, Jan. 7 - Louisville, Feb. 25 - Burlington. Visit <http://www.watershedtraining.net>

**Nov. 14 - Building Capacity for Solid Waste Education - A One-Day Training Workshop.** Marriott Griffin Gate, Lexington. *Contact:* Amanda Abnee (859) 257-6094 or visit <http://ca.uky.edu/enri/solidwaste.htm>

**Nov. 19 - Geology, GIS, and Planning Workshop.** Univ. of Kentucky *Contact:* Carol Ruthven (859) 257-5500 ext. 128, e-mail [cruthven@kgs.mm.uky.edu](mailto:cruthven@kgs.mm.uky.edu).

## PUBLIC NOTICES/HEARINGS - PERMITS

This listing is not official. Contact the various divisions listed for more information about these and other permits.

### **Ky. Division of Water - Water Discharge Permits/Public Notices**

See <http://water.nr.state.ky.us/dow/public.htm> or contact Ann Workman, (502) 564-3410.

- **Eastern Regional Wastewater Treatment Plant (Sanitation District #1)** Alexandria (Campbell Co.). New municipal discharge that enters the Ohio River. Public hearing **Dec. 4**, 6 p.m., Alexandria Courthouse, 19 East Main Street, Alexandria.
- **Georgetown Wastewater Treatment Plant**, (Scott Co.). Extension of comment period until Nov. 10 for discharge that enters Lanes Run.
- **Orsam Sylvania Products**, Versailles (Woodford Co.). Discharge of stormwater runoff into unnamed tributary to Griers Creek.
- **Tri-K Landfill**, Standford (Lincoln Co.) Discharge of stormwater runoff to an unnamed tributary of the Green River.

[Continue viewing Public Notices](#)

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## PUBLIC NOTICES/HEARINGS - PERMITS

This listing is not official. Contact the various divisions for more information about these and other permits open for public comment.

### Ky. Division of Waste Management - Solid Waste Notices

See <http://www.waste.ky.gov/news/news.htm> or contact Anita Young, (502) 564-6716.

- **BFI, Frankfort** (Franklin Co.). Receipt of an application for a horizontal expansion of Benson Valley Area Landfill within the current property boundaries and buffer zones affecting approximately 97 acres.
- **MSD, Louisville** (Jefferson Co.). Draft operating permit for a Registered Permit-by-Rule Storage and Treatment of Processed Special Waste Facility to store and treat processed special waste.
- **Recycling Solutions Technology, LLC, Allen** (Martin Co.). Draft permit for a trial run of a waste-to-energy facility to gasify municipal solid waste in a unit that will accept up to 34 tons per day of municipal solid waste during the test period from Martin, Floyd and Johnson counties (comment period closed, trial burn permit has been issued).
- **Waste Management of Kentucky LLC**, Louisville (Jefferson Co.). Receipt of an application for a horizontal and vertical expansion within property boundaries and buffer zones affecting approximately 500 acres.
- **Daviess County Fiscal Court**, Owensboro. Draft construction/operation permit to expand the West Daviess County contained landfill horizontally and vertically within property boundaries and buffer zones affecting approximately 32 acres.

### Ky. Division for Air Quality Permit Notices

Contact: George Day, (502) 573-3382.

- **Significant Revision Title V** - Orsam Sylvania, Versailles (Woodford Co.); PCT Inc. Wurtland (Greenup Co.); North American Stainless, Ghent (Carroll Co.); Marathon Ashland, Cattlesburg (Boyd Co.); Republic Services LLC Williamstown, (Grant Co.); Republic Services, Sulfur (Trimble Co.); Rumpke of Ky. Inc., Jeffersonville (Montgomery Co.); Rumpke of Ky., Inc., Butler, (Pendleton Co.).
- **Title V Operating Permit** - Continental General Tire, Mayfield (Graves Co.); Eastern Ky. Univ., Richmond, (Madison Co.); Ahlstrom Filtration, Madisonville (Hopkins Co.); E.I. Dupont, Wurtland (Greenup Co.).
- **Prevention of Significant Deterioration Construction/Operating Permit** - North American Stainless, Ghent (Carroll Co.).
- **Conditional Major Source Operating Permit (restricts operation Title V does not apply)** - Estron Chemical, Calvert City (Marshall Co.); Transmontaigne Terminal, Owensboro (Daviess Co.).
- **Synthetic Minor Operating Permit at a Title V Source (PSD regs do not apply)** - Transmontaigne Terminal, Owensboro (Daviess Co.).

### Ky. Transportation Cabinet Road Project Notices

- **KY 32** - Between Corps of Engineer reconstruction at Yatesville Lake and U.S. 23. Public hearing Oct. 28, 5-7 p.m., Yatesville Maint. Garage.
- **US 127** - From the Tennessee line up to KY 696, the Albany Bypass, and from the Albany Bypass to KY 90. Public hearing Nov. 18, 6-8 p.m., Clinton County Middle School.
- **KY 2168** - New Connector from KY 33 to KY 34. Public hearing Nov. 18, 4:30-8:30 p.m., First Christian Church, Danville.
- **US 460** - Reconstruction from KY 227 at Great Crossing to US 62. Public hearing Nov. 13, 5-8 p.m., Western Elementary School, Georgetown. *To view these and other road project notices visit the Web site <http://roadprojects.ky.gov/>*

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## **PROPOSED STATE REGULATIONS**

**Water** - <http://www.water.ky.gov/dow/hrgnots.htm>

- Public comments on proposed amendments to 401 KAR 5:002, 5:026, 5:029, 5:030, 5:031 (water quality standards and administrative regulations) will be accepted until **Oct. 31**.
- A public hearing on proposed amendments to 401 KAR 5:005 (facilities construction regulations) will be held on **Nov. 24**, 1:30 p.m., 14 Reilly Road, Frankfort, Conference Room 5A. Comments will be accepted until Dec. 1.

Contact: Emily Harkenrider at (502) 564-3410.

**Surface Mining** - [http://www.surfacemining.ky.gov/definition\\_regs.htm](http://www.surfacemining.ky.gov/definition_regs.htm)

Public comments proposed amendments to 8 regulations to clarify the affected area definition (405 KAR 7:001, 8:001, 10:001, 12:001, 16:001, 18:001, 20:001, 24:001) will be accepted until **Oct. 31**.

Contact: Jim Villines, (502) 564-6940.

**Waste Management** - A public hearing will be held **Nov. 25**, 10 a.m., Capitol Annex, Room 129, Frankfort to solicit comments on an amendment to environmental performance standards (401 KAR 47:030) to update lead and copper standards congruent with the public water supply standards. Contact: Julia Lightner (502) 564-6716.

**Air Quality** - A public hearing will be held **Nov. 26**, 10 a.m., Div. for Air Quality, 803 Schenkel Lane to solicit comments on 401 KAR 63:005 which provides for open burning of specific materials within certain limits and restrictions. Contact: Carl Millanti, (502) 573-3382.

## **PUBLICATIONS/WEB SITES OF INTEREST**

**21st Annual Evaluation Summary Report for Regulatory and Abandoned Mine Land Reclamation Programs Administered by the Commonwealth of Kentucky** - Office of Surface Mining annual review of major accomplishments and issues regarding Kentucky's surface mining program. Contact: Tom Harrell (859) 260-8405.

**Geologic Maps and Geologic Issues in Kentucky: A Citizen's Guide** - A guide by the Ky. Geological Survey on how to use geologic maps and information. Contact: (859) 257-3896 or (877) 778-7827 or download at [www.uky.edu/KGS/pubs/lop.htm](http://www.uky.edu/KGS/pubs/lop.htm)

## **GRANTS & FUNDING OPPORTUNITIES**

**Watershed Projects and Plans:** \$3.5 million in 319(h) EPA grants are available to mitigate or prevent runoff pollution to waterways in Kentucky. Contact the Nonpoint Source Section of the Div. of Water at (502) 564-3410 or e-mail [NREPC.DEPDOWNPS@mail.state.ky.us](mailto:NREPC.DEPDOWNPS@mail.state.ky.us) or visit [http://www.water.ky.gov/nps/NPS\\_grants.htm](http://www.water.ky.gov/nps/NPS_grants.htm)

**Rockfeller Humanities Fellowships:** Univ. of Kentucky Appalachian Center is seeking activists and activist artists who are working to foster a greater measure of social and ecological justice in Appalachia. Applications are due Feb. 3, 2004. For more information see <http://www.appalachiancenter.org>



[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## [EQC Activities](#)



### **[EQC Urges Alternative Nontoxic Mosquito Control](#)**

Increased aerial spraying and fogging of pesticides across the state for mosquitoes has prompted the EQC to call for a more proactive state strategy to minimize the transmission of the West Nile Virus without posing unreasonable risk to human health and the environment.

The commission recommended that the Governor establish a work group to develop a **Mosquito Management Strategy and Action Plan** to include: (1) Priority use of nontoxic controls such as monitoring, surveillance, larval source control, education and outreach. (2) Evaluation of adulticides to identify the least toxic pesticide for use in the state. (3) A state protocol to specify when pesticides can be sprayed in residential areas. View the full set of EQC recommendations at <http://www.kyeqc.net/issues/mosquito/mosquito.html>

### **[Childhood Asthma Featured as EQC Indicator of the Month](#)**

Kentucky faces the growing challenge of understanding and assessing health concerns associated with environmental pollutants, especially as they affect our children. Nationwide trends indicate that certain childhood illnesses such as asthma and cancers are increasing and may be associated with environmental pollutants.

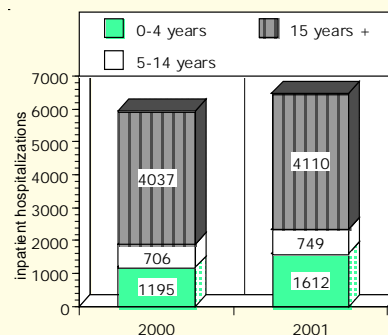
EQC has prepared a set of indicators to better monitor children's environmental health in Kentucky. One of the illnesses reviewed is asthma. In Kentucky, 12, 409 people were hospitalized for asthma in 2000 and 2001. Of this total, 34 percent were children under the age of 14. Childhood asthma inpatient cases are among the highest in Jefferson and Pike counties, according to hospital discharge claims.

Asthma is a disorder of the respiratory system characterized by labored breathing, wheezing, cough and pain or tightness in the chest. Although the number of adults with asthma has declined slightly since 1997, childhood asthma is on the rise. Researchers believe that air pollutants such as particulate matter and ozone may increase the severity or frequency of asthma attacks in children who have the disease. Second hand tobacco smoke exposure increases the frequency of episodes and severity of symptoms in asthmatic children.

Some counties in Kentucky such as Bell and Jefferson with high asthma rates in children have been designated as nonattainment for the 8-hour standard for ozone. Other counties designated as nonattainment for the 8-hour ozone standard include Boone, Boyd, Bullitt, Campbell, Christian, Kenton, Oldham and Warren.

Kentucky also has one of the highest smoking rates in the nation at 30.5 percent. The percentage of Kentuckians protected in the home from secondhand smoke was 39.7 percent compared to the national average of 61.1 percent, according to the Centers for Disease Control. The EQC **Indicator of the Month** and **Children's Environmental Health Profile** can be accessed at [www.eqc.ky.gov](http://www.eqc.ky.gov)

### **[Childhood Asthma Hospitalizations in Kentucky](#)**



Note: Earlier data not available. Source: Kentucky Hospital Inpatient Discharge Claims, Ky. Dept. for Public Health

### **[Top 10 Counties with Asthma Hospitalizations for Children 14 years and under \(2000 and 2001\)](#)**

Jefferson	440	Harlan	143
Pike	246	Floyd	137
Graves	207	Bell	132
Daviess	202	Perry	116
Fayette	143	Lawrence	112



## ***Environmental Quality Commission Public Meeting***

### **ENERGY ISSUES IN KENTUCKY: OIL AND NATURAL GAS TRENDS AND ISSUES**

*Wednesday, Nov. 19, 2003*

*State Capitol - Room 327 - Frankfort*

#### **1 p.m. Open Meeting**

##### **1:15 Oil and Natural Gas Drilling Trends and Issues**

- Brandon Nuttel, Ky. Geological Survey
- Ky. Div. of Oil and Gas (invited)

##### **2:15 Regulation Review**

- Surface Mining - Affected Areas Definition
- Waste - Environmental Performance Standards
- Air - Open Burning
- Water - Water Quality Standards
- Water - Facility Construction regulations

##### **3:15 Other Business**

##### **4 p.m. Adjourn**

*The public is encouraged to attend this meeting and ask questions or offer comments. All EQC meetings are free and open to the public. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters and other services will be provided upon request by contacting EQC.*



*Providing a voice for the  
citizens of Kentucky  
for 31 Years*

*The Environmental Quality Commission is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions.*

*The Environmental Quality Commission welcomes your input.*

*Telephone (502)564-2150 ext. 160*

*e-mail [EQC@mail.state.ky.us](mailto:EQC@mail.state.ky.us) Web site [www.kyeqc.gov](http://www.kyeqc.gov)*

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